

**Before the  
Federal Communications Commission  
Washington, D.C.**

**In the Matter of:**

Petition for Waiver of Decisions  
of the Schools and Libraries Division  
of the Universal Service Administrative  
for Farragut Community Schools  
Farragut, Iowa

Form 471 Number  
**636003**

Joint Board on Universal Service

CC Docket No. 02-6

Petition for Waiver  
**Farragut Community School District**  
**Entity Number 132437**  
**Form 471 Number 636003**  
**Funding Request Numbers July 2008 through June 2009**

In accordance with Sections 54.719 through 54.721 of the Commission's rules, now comes Farragut Community before the Commission requesting waiver of the Form 471 filing deadline of February 7, 2008. We request this waiver because of severe winter storms, school district and internet issues at Farragut Community Schools.

On May 7, 2008, the Schools and Libraries Division of the Universal Service Administrative Company (Administrator) issued correspondence to Farragut Community Schools indicating the Form 471 Number 636003 was filed outside the Program Year 2008 funding window and would therefore not be considered for funding. Due to extenuating circumstances, we ask for waiver of program rules and consider this application to be filed within the Year 2008 filing window.

**Background**

Farragut Community Schools is a small rural school district in the Iowa located in the southwestern part of the state. During January and February, our state experienced record snowfall and storms that closed the district for several days. School personnel were unable to travel and could not file the necessary forms.

In correspondence from USAC to our state's applicants who filed inside the window, the following statement of the severe winter weather in our state was acknowledged, "If you are unable to provide the requested information because your school or library has closed because of *Severe Winter Storms* please let me know

when you will be available to respond to these questions. Failure to respond may result in a reduction or denial of funding.” Given that locations in our state were impassable due to near record snowfall, we request a waiver of the filing deadline due to circumstances beyond our control.

In the Bishop Perry Order, FCC 06-54, released May 19, 2006, the Commission stated:

*14. Based on the facts and circumstances of these specific cases, we find that good cause exists to waive the deadline for filing the FCC Form 471 found in section 54.507 of the Commission's rules.<sup>40</sup> Under Bureau precedent deadlines have been strictly enforced for the E-rate program, including those pertaining to the FCC Form 471. We nevertheless find that good cause exists to waive the deadline in these cases. Generally, these applicants claim that staff mistakes or confusion resulted in the late filing of their FCC Form 471s. We note that the primary jobs of most of the people filling out these forms include school administrators, technology coordinators and teachers, as opposed to positions dedicated to pursuing federal grants, especially in small school districts. Even when a school official has learned how to correctly navigate the application process, unexpected illnesses or other family emergencies can result in the only official who knows the process being unavailable to complete the application on time. Given that the violation at issue is procedural, not substantive, we find that the complete rejection of each of these applications is not warranted. Notably, at this time, there is no evidence of waste, fraud or abuse, misuse of funds, or a failure to adhere to core program requirements. Furthermore, we find that denial of funding in these cases would inflict undue hardship on the applicants. In these cases, the applicants have demonstrated that rigid compliance with USAC's application procedures does not further the purposes of section 254(h) or serve the public interest.<sup>42</sup> We therefore grant these appeals and remand them to USAC for further processing consistent with this Order.*

## **Conclusion**

Farragut Community Schools seeks waiver of Form 471 filing deadline for this application. This funding is vital to the effective operation of the district's telecommunications network. This application constitutes eligible services procured in accordance with program, state, and local regulations and in no way wastes program resources. Due to no fault of the Farragut Community it was impossible to meet the 471 filing deadline.

Respectfully submitted this 9<sup>th</sup> day of June, 2008,

Denise Stevens  
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